

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

**DEBORAH LAUFER,  
Plaintiff,**

v.

**Case No: 1:20-cv-2136**

**NARANDA HOTELS, LLC,  
Defendant.**

**NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff, by and through undersigned counsel, hereby submits this Supplemental Authority in support of her standing.

In *Laufer v. U.L.S.T., LLC dba Waterfront Hotel & Marina*, 2020 U.S. Dist. LEXIS 206417 (N.D.Ill. 11/4/20) (“Waterfront”), a court in the Northern District of Illinois denied a motion to dismiss advancing arguments that are identical to those made by the Defendant in the case at bar.

The Court rejected the defendant’s argument that *Carello v. Aurora Policemen Credit Union*, 930 F.3d 830 (7<sup>th</sup> Cir. 2019), provided any basis for denial of standing for informational injury. *Id.*, pp. 6-8. As the *Waterfront* Court noted, *Carello* was strictly limited to instances where the plaintiff was legally barred from using the using the defendant’s services. *Id.*, \*\*9, 10-12.

The *Waterfront* Court observed that the *Carello* decision made several points: First, that the *Carello* Court held that plaintiff’s status as a tester does not deprive her of standing. *Id.*, \*\*11-12.

Second, that the *Carello* Court acknowledged that dignitary and informational harms can qualify as injuries-in-fact. *Id.* \*13.

Third, that the *Carello* Court held an informational injury occurs when the defendant refuses to provide the plaintiff with information that a law entitles the plaintiff to obtain and that the plaintiff need not allege any additional harm beyond his failure to receive information that the law renders subject to disclosure. *Id.*, \*\*12-13.

Significantly, the *Waterfront* Court reasoned that a plaintiff has standing to sue even if they did not intend to book a room. In this respect, the court held:

What *Carello* reinforces is that absent such a legal barrier, informational and dignitary injuries do suffice to support Article III standing. And that is exactly what Laufer alleges here. She claims that the inadequate disclosures about *Waterfront*'s accessibility "deprive her of the information required to make meaningful choices for travel," and that she "suffer[s] ... frustration and humiliation as the result of the discriminatory conditions present" on the hotel's booking pages. [] Thus, even absent a concrete plan to visit Johnsburg, Laufer has standing to bring this ADA suit.

*Id.* \*\*12-13.

The *Waterfront* Court also held:

*Waterfront* next submits that the complaint fails to state a claim, arguing that the ADA "requires the hotel to accommodate Ms. Laufer's disabilities [only] if she desires to stay there." [] As explained above, however, Laufer's alleged injury is not the inability to stay at *Waterfront*; rather, it is the inability to determine whether she *can* stay there, as well as the stigmatic injury resulting from *Waterfront*'s failure to make accessibility information available.

*Id.* \*\*13-14 (Emphasis supplied).

In this respect, the *Waterfront* opinion joins the growing body of district court decisions holding that encountering a discriminatory online reservations system gives rise to injury-in-fact that an intent to book a room or travel to the area is not required.

Respectfully submitted,

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